

109TH CONGRESS
1ST SESSION

H. R. 3515

To amend title I of the Employee Retirement Income Security Act of 1974 to require persons who are plan administrators of employee pension benefit plans or provide administrative services to such plans, and who also provide automobile insurance coverage or provide persons offering such coverage identifying information relating to plan participants or beneficiaries, to submit to the Federal Trade Commission certain information relating to such automobile insurance coverage.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to require persons who are plan administrators of employee pension benefit plans or provide administrative services to such plans, and who also provide automobile insurance coverage or provide persons offering such coverage identifying information relating to plan participants or beneficiaries, to submit to the Federal Trade Commission certain information relating to such automobile insurance coverage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Truth in Automobile
3 Insurance Rates Act of 2005”.

4 **SEC. 2. INFORMATION REQUIRED TO BE SUBMITTED TO**
5 **THE FEDERAL TRADE COMMISSION RELAT-**
6 **ING TO AUTOMOBILE INSURANCE COVERAGE.**

7 (a) IN GENERAL.—Section 101 of the Employee Re-
8 tirement Income Security Act of 1974 (29 U.S.C. 1021)
9 is amended—

10 (1) by redesignating subsection (j) as sub-
11 section (k); and

12 (2) by inserting after subsection (i) the fol-
13 lowing new subsection:

14 “(j) SUBMISSION TO THE FEDERAL TRADE COMMIS-
15 SION OF CERTAIN INFORMATION RELATING TO AUTO-
16 MOBILE INSURANCE COVERAGE.—

17 “(1) IN GENERAL.—Any person who is, during
18 any calendar year, the plan administrator of an em-
19 ployee pension benefit plan or provides administra-
20 tive services to such a plan and who—

21 “(A) also offers automobile insurance cov-
22 erage during such year in a State in which a
23 participant or beneficiary under the plan re-
24 sides, or

25 “(B) provides during such calendar year to
26 any person offering automobile insurance cov-

1 erage in such state any identifying information
2 relating to any participant or beneficiary under
3 the plan,

4 shall provide annually to the Federal Trade Commis-
5 sion the information described in paragraph (2).

6 Such person shall certify annually to the Secretary
7 compliance with the requirements of this subsection.

8 “(2) REQUIRED INFORMATION.—

9 “(A) IN GENERAL.—The information de-
10 scribed in this paragraph consists of the fol-
11 lowing:

12 “(i) The total amount collected in the
13 year reported on, by each person specified
14 in subparagraph (B), in insurance pre-
15 miums on automobile insurance from auto-
16 mobile insurance policyholders in the
17 State.

18 “(ii) The total amount that each per-
19 son specified in subparagraph (B) paid out
20 in the year reported on in automobile in-
21 surance claims in response to the claims
22 filed by automobile insurance policyholders
23 in such State.

24 “(iii) The total amount added in the
25 year reported on, by each person specified

1 in subparagraph (B), to such person's re-
2 serve balance for automobile insurance
3 claims filed by automobile insurance policy-
4 holders in such State.

5 “(B) SPECIFIED PERSONS.—The persons
6 specified in this subparagraph are the person
7 described in paragraph (1), each person pro-
8 vided identifying information (as described in
9 paragraph (1)(B)) by the person described in
10 paragraph (1), and each person related to any
11 of the foregoing.

12 “(3) RELATED PERSON.—For purposes of this
13 subsection—

14 “(A) a person is ‘related’ to any other per-
15 son if such persons are under common control,
16 and

17 “(B) the determination of whether two or
18 more persons are under ‘common control’ shall
19 be made under regulations of the Secretary
20 which are consistent and coextensive with regu-
21 lations prescribed for similar purposes by the
22 Secretary of the Treasury under subsections (b)
23 and (c) of section 414 of the Internal Revenue
24 Code of 1986.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply with
3 respect to plan years beginning on or after January 1,
4 2007.

